

SENATOR BEREUTER: Mr. President, I believe that 9 and 10 also pick up the part on endangered again. So perhaps the first and the last part could be handled together, and the middle part separately.

PRESIDENT: Well we can't very well divide it by line then. The sense of your suggestion then is that it be divided so that the word "may endanger" and "endangers", and "may endanger" and "endangers" repeated, be voted on first and then number III felony and number I misdemeanor be voted on secondly.

SENATOR BEREUTER: Yes sir.

PRESIDENT: Alright. The first proposition will be the adoption of the amendment as it relates to "may endanger" and "endangers" that appears twice in the amendment. Record your vote on that proposition. Record.

CLERK: 30 ayes, 1 nay.

PRESIDENT: The amendment carries. Now the second part deals with number III felony and number I misdemeanor. Do you wish to be heard on that, Senator Simon?

SENATOR SIMON: Yes. When this was originally discussed in our group I had some very grave reservations about changing this penalty. I felt that this was a very important subject matter. I didn't want to treat it lightly. So after Senator DeCamp had originally made the comments that he felt that more people would be convicted by this, and they weren't currently being. Rather than trust Senator DeCamp at his word, I asked that some research be done on this. I had some people check out in Lancaster County if, in fact, this was the case. The report back to me was that yes, more people would be convicted, and this sentence would be more realistic. So I would concur with their arguments. It is not a question that I want to get less tough or less severe on people that do this type of thing. I think it is important, but we also have to have these sentences be realistic.

PRESIDENT: Senator Barnett.

SENATOR BARNETT: Mr. President, members of the Legislature. I hope that the body has paid attention to what we're trying to do on this amendment. I think that the thing they should look at here is the fact that under child abuse, Class III felony, they could get up to 25 years. I won't argue that that might be the case and that they should get it. I think that Senator Simon has touched upon a point that we've got to be aware of in this body and that is the fact that the courts are not prosecuting, the prosecuting attorneys are not taking these cases into court. He touched on the fact that if we were more realistic we could go to a Class I misdemeanor which was up to a year and a fine. They might want to go that way. You can also, if you wish, look at your Class IV felony. You may want to go with that one instead of a Class I misdemeanor, but you still made it a felony. A felony is a lot different than a misdemeanor. It's a matter of record. You probably should look both of these over and discuss this issue a little bit, instead of just going ahead with the amendment. I think a Class I misdemeanor you get more prosecutions. There are probably more attorneys, more county attorneys, more prosecuting attorneys taking cases into court for sentencing. So I think you should look it over and possibly adopt this amendment.